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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

## **SAN FRANCISCO DIVISION**

11 UNITED STATES OF AMERICA, ) CASE NO. CR 14-306 VC  
12 Plaintiff, ) CASE NO. CR 08-222 WHA  
13 v. )  
14 LUKE BRUGNARA, ) **DEFENDANT'S STATEMENT IN  
15 Defendant. ) RESPONSE TO GOVERNMENT'S  
 ) NOTICE OF A RELATED CASE IN A  
 ) CRIMINAL ACTION  
 )  
 )**

## INTRODUCTION

18 Defendant Luke Brugnara, by and through his counsel, Brandon LeBlanc, and the Office  
19 of the Federal Public Defender, submits this brief response to the Government's notice of a  
20 related case in a criminal action. *See* Docket Entry No. 257.

## STATEMENT

22 At present, there are two pending criminal matters against Luke Brugnara in the Northern  
23 District of California. The assigned case numbers are CR 14-306 VC and CR 08-222 WHA. In  
24 CR 14-306 VC, Mr. Brugnara is charged by indictment with mail fraud, in violation of 18 U.S.C.  
25 § 1341. *See* CR 14-306, Docket Entry No. 9. The basis of the mail fraud charge is that Mr.  
26 Brugnara allegedly sought to defraud a private art dealer of \$11 million in high-value, fine art.

<sup>1</sup> See CR 08-222, Docket Entry No. 257, at 1-2.

2 Mr. Brugnara is also on supervised release in relation to his convictions for filing false tax  
3 returns in CR 08-222 WHA. In this matter, the United States Probation Office recently filed a  
4 Form 12, charging Mr. Brugnara with violating a condition of supervised release – namely, that he  
5 not commit a new law violation – based upon the pending mail fraud charge in CR 14-306 VC.

6 Because these matters involve the same defendant and the two matters concern "the same  
7 alleged events, occurrences, transactions or property;" notice is appropriate under Criminal Local  
8 Rule 8-1.

9       Militating in favor of the two cases being related is that Mr. Brugnara is a defendant in  
10      two district courts with two pending criminal matters alleging identical unlawful conduct, as  
11      contemplated under Criminal Local Rule 8-1(b)(1) and (b)(2). Militating against the two cases  
12      being related is that – were the district court in CR 08-222 WHA to merely defer any probation  
13      revocation hearing pending the resolution of the mail fraud charge in CR 14-306 VC – it is self-  
14      evident that judicial resources would readily be conserved as such a hearing, at this juncture, in  
15      and of its would not promote judicial economy. *See* Docket Entry No. 267, at 2-3.

16 However, if the district court holds an evidentiary hearing on the pending Form 12 in CR  
17 08-222 WHA, as is currently scheduled for Monday, June 16, 2014, then Mr. Brugnara agrees  
18 that subsequently relating the cases would ultimately conserve judicial resources and promote the  
19 efficient determination of the action(s).

20 | Dated: June 13, 2014

Respectfully submitted,

STEVEN G. KALAR  
Federal Public Defender

/S/

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